APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,668	06/20/2000	Gavin Peacock	PALM-3215	5356

49637   7590   11/12/2008
BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
SUITE 810
LOS ANGELES, CA 90069

EXAMINER
NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
2441	

MAIL DATE	DELIVERY MODE
11/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 August 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-21</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

1.   This Office Action is responsive to the Amendment filed on 08/27/2008. Claims

1, 2, 8, 9 and 15 have been amended. Claims 1-21 remain pending for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

3.   **Claims 1-2 and 8-9 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Eggleston et al. (US 6,101,531), hereinafter "Eggleston", in

view of Joseph (US 6,038,603), and further in view of Schwartz et al. (US

6,473,609), hereinafter "Schwartz".

4.   As to claim 1, **Eggleston** teaches a method of transferring data from an

electronic device comprising the steps of:

        a) forwarding information from an active application on said electronic device to

an exchange manager on said electronic device (*forwarding information from an active*

application (such as forwarding a URL request from a browser application) on the

mobile end computer system 201 to a data transfer manager or exchange unit 206 on

said mobile end computer system 201) based on an application's requirement, said step

a) performed by an application resident on said electronic device, said exchange

manager configured for converting said information to a file for communication *(since*

the data transfer manager or exchange unit 206 communicates/exchanges information

with the communication server 220 by messages of any appropriate data unit (such as

frame, **datastream***, packet, or other format), including objects, datagrams, etc., for*

containing information being communicated, said data transfer manager or exchange

unit 206 must have formatted/converted said information to the appropriate data unit

such as datastream file to communicate with the communication server 220)

(Eggleston, Fig. 2 and col. 5, line 23 – col. 6, line 7);

b) in response to said information, said exchange manager referencing an

exchange library from a plurality of exchange libraries, wherein said exchange library

defines a communication protocol for said identified transport mechanism and wherein

said exchange manager supports a plurality of communication protocols *(the data*

exchange unit 206 referencing/accessing data encoder/decoder 203 to accommodate,

i.e., to support, the system communications protocols and a transceiver/modem 202 to

connect to a wireless or wireline communications network) **(Eggleston, Fig. 2 and col.**

5, lines 23-48); and

c) communicating said information to a system as a file identifiable by an

application on a device external to said electronic device, identified by said destination,

that is external to said electronic device using said communication protocol *(via the data*

encoder/decoder 203 and the transceiver 202, the data transfer manager or exchange

unit 206 communicates/exchanges said information with the communication server 220,

VMS 230, local email post office 240, remote client-server host 255, and/or

administrator host server 260, etc., identified by the destination address that is external

to the mobile end device 201, by messages of any appropriate data unit such as frame,

datastream, etc.), said step c) performed by said identified transport mechanism, said

application on said device external to said electronic device performing any necessary

format conversion on said file *(for example, said browser application on the remote*

client-server host 255 is capable of performing any necessary format conversion on said

stream file for displaying an HTML file as a web page on the display monitor, playing

audio/video stream file to the speaker/monitor screen) **(Eggleston, Fig. 2 and col. 5,**

line 23 – col. 6, line 7).

   Eggleston does not explicitly teach said information being communicated to said

exchange manager along with a Uniform Resource Locator (URL) string containing an

identified transport mechanism for transmitting said information and also a destination

for said information.

   In an analogous art, **Joseph** teaches resources maybe uniquely identified

through the use of a uniform resource locator *("URL")*, wherein a URL string

(http://Server A/File Store/File) containing an identified transport mechanism *(http://)*

and a destination *(Server A)* that a browser application uses to make a request directed

to Server A in accordance with the "http" protocol **(Joseph, Fig. 2C and col. 2, lines**

20-64).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to incorporate the feature of said information having associated therewith a Uniform Resource Locator (URL) containing an identified transport mechanism for transmitting said information and also a destination for said information, as disclosed by **Joseph**, into the teachings of **Eggleston** to allow a client via the browser uniquely identifying a desired resource by URL *(for example, "http://Server A/File Store/File")*, which indicates a destination server on which the resource is located, the filename, i.e., the location of the resource and the appropriate protocol (i.e., "http") to be used in retrieving the desired resource **(Joseph, col. 1, line 62 – col. 2, line 8)**.

However, **Eggleston-Joseph** does not explicitly teach said file having a data file and a data type, said data type unidentifiable to said device external to said electronic device.

In the same field of endeavor, **Schwartz** teaches a method and system for allowing mobile devices to interact effectively with the Internet, wherein generally, a computing device equipped with an HTML browser/server using HTTP requiring considerable computing power and network bandwidth resources while mobile/handheld devices typically do not have the computing resources to implement HTTP to run and HTML browser **(Schwartz, col. 6, lines 36-64)**. In addition, **Schwartz** teaches transmission of a smaller data file is important in wireless data networks that are characterized with low bandwidth and expensive airtime. In other words, the actual data being exchanged between link server (external host device) and mobile device is in

Screen Description Data (SDD) format, which is typically binary and can be communicated more compactly and efficiently in wireless network *(i.e., wherein SDD format is unidentifiable to said device external to said handheld device)* **(Schwartz, col. 9, line 29 – col. 10, line 35)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the feature of a file having a data file and a data type such as SDD format unidentifiable to said device external to said handheld device, as disclosed by **Schwartz**, into the teachings of **Eggleston-Joseph** to allow mobile devices to interact effectively with the Internet and/or other network devices despite the common deficiencies of mobile devices **(Schwartz, Abstract and col. 2, lines 30-49)**.

5.   As to claim 2, **Eggleston-Joseph-Schwartz** teaches the method of claim 1, wherein said electronic device is a handheld computer system comprising: a processor coupled to a bus; a memory unit coupled to said bus; a screen coupled to said bus; and a plurality of transport mechanisms *(a handheld computer such as the mobile end device 201 inherently comprises a processor, a memory unit, a screen coupled to a bus and a plurality of transport mechanisms)*.

6.   Claims 8-9 are corresponding system claims of method claims 1-2; therefore, they are rejected under the same rationale.

7.   Claims 3-7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston-Joseph-Schwartz, further in view of Bodnar et al. (US 6,295,541), hereinafter "Bodnar".

8.   As to claims 3-4, **Eggleston-Joseph-Schwartz** teaches the method of claim 1, wherein the data transfer manager or exchange unit 206 <u>accommodates data transfer over a wide variety of networks via data encoder/decoder 203 using various communications protocols including radio frequency (rf) or infrared protocol or proprietary wireless carrier protocols</u> **(Eggleston, col. 5, lines 30-42)**, but does not explicitly teach said plurality of communications protocols comprising an email protocol and a synchronization protocol.

        In the related art, **Bodnar** teaches a palmtop computer capable of synchronization, infrared, radio frequency or wireless communications, and email communications **(Bodnar, Fig. 2 and col. 10, lines 42-53)**.

        Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of **Eggleston-Joseph-Schwartz** and **Bodnar** to include email, infrared, radio frequency and synchronization protocols in said communications protocols since all references are directed to communicating information over a communications network, hence, would be considered to be analogous based on their related fields of endeavor.

One would be motivated to do so to provide additional options (*i.e., additional protocols or transport mechanisms*) for communicating/synchronizing data between a broad range of networks and devices **(Bodnar, Fig. 2 and col. 10, lines 42-53)**.

9.   As to claim 5, **Eggleston-Joseph-Schwartz-Bodnar** teaches the method *of* claim 1, wherein said information is a data file *("datasets" of Bodnar and "File" 126 from Fig. 2C of Joseph)*.

10.   As to claim 6, **Eggleston-Joseph-Schwartz-Bodnar** teaches the method of claim 1, wherein said information is an application program *("Official Notice" is taken as a "File" from Fig. 2C of Joseph and "datasets" of Bodnar might well be an application program)*.

11.   As to claim 7, **Eggleston-Joseph-Schwartz-Bodnar** teaches the method of claim 1, but does not explicitly teach prompting the user for any unspecified criteria such as protocol to use or/and destination of the desired resource.

"Official Notice" is taken that both the concept and advantages of a system prompting a user for unspecified criteria are well known and expected in the art *(Examiner respectfully submits that it is obvious to one of ordinary skill in the art that <u>the browser application has a text box **"Address"** for the user to enter the URL for the desired resource/destination, such as "http://Server A/File Store/File"</u>)*.

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to prompt the user for unspecified criteria such as protocol to use or/and destination of the desired resource since such methods were conventionally employed in the art to ensure the data is manipulated into the recognizable format before sending out to the receiving device using the compatible protocol.

12.   Claims 10-14 are corresponding system claims of method claims 3-7; therefore, they are rejected under the same rationale.

13.   As to claims 15-21, claims 15-21 does not define any new limitations above the limitations of claims 1-7; therefore, they are rejected under the same rationale.

Response to Arguments

14.   In the Remarks, Applicant argued in substance that

(**A**)   Applicant argued on pages 8-9 of the Remarks as *"On pages 3 and 4 of the office action, the Examiner alleges that Eggleston teaches the claimed limitation, "in response to said information, said exchange manager referencing an exchange library from a plurality of exchange libraries, wherein said exchange library defines a*

communication protocol for said identified transport mechanism and wherein said

exchange manager supports a plurality of communication protocols." To satisfy this

claimed recitation, the Examiner points to disclosure in Eggleston, at col. 5, lines 23-48:

> *Both the user's remote communication unit and communication server maintain a S&S index containing identifying (summary) information about data which has not been fully transferred between the communication unit and communication server. As new data is reviewed and filtered for transfer, identifying/summary information is captured for any non-qualifying data by either a host unit or the communication server. This information is stored in the communication server's S&S index, and at least periodically transferred via update messaging to the remote communication unit. Upon reviewing its updates or its S&S index, the user may send a request for such of the data that it desires partial or full transfers or further review. Thus, a cost efficient review mechanism is provided to users for determining whether to transfer data that otherwise fails selected filter parameters. In a fourth main embodiment, a method and apparatus for optimized reply to messaging is provided. When sending a reply, the remote communication unit's controller generates a delta (e.g., data representing the content difference between two messages) between a preceding message and the reply message, and forms an optimized reply using the delta and an identifier of the preceding message. On receiving the optimized reply, the communication server uses the data unit identifier to retrieve the preceding message from a*

Applicant respectfully submits that this disclosure does not teach using an exchange

library to determine how to communicate the information, rather it simply teaches the

storage and tracking of communicated information that has not fully transferred."

(recited from pages 8-9 of the Remarks).

　　　As to point (**A**), Examiner respectfully disagrees noting that the portion cited in

the Remarks by the Applicant **is not** the paragraph the Examiner pointed to in

Eggleston, at col. 5, lines 23-48, as below:

> *"In the illustrated case **client 201 includes a data transfer manager or exchange unit 206**, which in simple form could be an appropriately programmed electronic processor 207 (e.g., a general purpose CPU (central processing unit) and memory or data store 211. A timer 205 is also preferably employed in the data exchange control process, as will be explained further in connection with the flow chart of FIG. 3 below. **A typical client 201 would also include some form(s) of user interface such as display 204, a data encoder/decoder 203 to accommodate the system communications protocol(s), and a transceiver (if using rf or infrared***

> *communications) and a modulator-demodulator (or modem) 202 to connect to a wireless*
> *or wireline communications network. Transceiver/modem 202 in this case would either*
> *include a built-in or attached user module for wireless LAN communications; the specific type will*
> *vary depending on the system, e.g., including PCMCIA (personal computer memory card*
> *interface association) wireless modems, and attached or built-in PSTN (public switched telephone*
> *network) modem, etc. Specific features of data exchange unit 206 preferably includes (as more*
> *fully described below) a prestage filter (PSF) manager 208, rate governor (RG) 209, user profile*
> *store 212, select and summary index store 213, and mail store 214 (a store being any available*
> *device (e.g., ROM (read-only memory), disks) or program (e.g., a database) for storage of the*
> *specified information)."*

In this case, Examiner respectfully submits that **Eggleston** does teach the electronic device 201 includes a data transfer manager or exchange unit 206 and a data encoder/decoder 203 to accommodate the system communications protocol(s) and a transceiver or a modem 202 to connect to a wireless or wireline communications network **(Eggleston, col. 5, lines 23-48)**. Here, one of ordinary skill in the art would have duly recognized that in order for the electronic device 201 of **Eggleston** to connect to a wireless or wireline communications network, the data transfer manager or exchange unit 206 of Eggleston's electronic device 201 would have accessed/referenced the data encoder/decoder 203 to accommodate the system communications protocols to allow the transceiver or modem 202 to connect to a wireless or wireline communications network.

Hence, Examiner respectfully submits that **Eggleston** does teach *"in response to said information, said exchange manager referencing an exchange library from a plurality of exchange libraries, wherein said exchange library defines a communication protocol for said identified transport mechanism and wherein said exchange manager supports a plurality of communication protocols"*, as recited in the claimed invention.

(**B**)   Applicant argued on page 10 of the Remarks as *"… Joseph does not teach communicating within the electronic device.   Joseph describes how some manager might handle the information.   The concept of an URL in the context of the invention is distinct and not obvious"* **(recited from page 10 of the Remarks)**.

As to point (**B**), before addressing the argument, Examiner respectfully submits that in view of the Supreme Court's recent opinion in *KSR Int'l Co. v. Teleflex Inc.*, "What matters is the objective reach of the claim.   If the claim extends to what is obvious, it is invalid under U.S.C 103." *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007). To be nonobvious, an improvement must be "more than the predictable use of prior art elements according to their established functions." *Id.* at 1740. In *KSR*, the Supreme Court reaffirmed that "[w]hen a patent 'simply arranges old elements with each performing the same function it had been known to perform' and yields no more than one would expect from such an arrangement, the combination is obvious." *KSR*, 127 S. Ct. 1740 (quoting *Sakraida v. Ag Pro, Inc.*, 425 U.S. 273, 282 (1976)). Moreover, "[w]hen there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product ... of ordinary skill and common sense." *KSR*, 127 S. Ct. at 1742.

This reasoning is applicable here. Clearly, **Joseph** teaches resources maybe uniquely identified through the use of a uniform resource locator *("URL")*, wherein <u>a URL string *(http://Server A/File Store/File)* containing an identified transport mechanism *(http://)* and a destination *(Server A)* that a browser application uses to make a request directed to Server A in accordance with the "http" protocol</u> **(Joseph, Fig. 2C and col. 2, lines 20-64)**. In addition, one of ordinary skill in the art would have readily recognized that in order for the **Joseph's** device to connect to a wireless or wireline communications network, the Joseph's device would have to parse the URL string provided/communicated from the browser to recognize/identify a transport mechanism such as "http://" and a destination "Server A" before connecting to the destination identified by the URL address using the device network interface such as the transceiver or modem *(i.e., communicating information within the electronic device)*.

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to incorporate the feature of said information being communicated to said exchange manager along with a Uniform Resource Locator (URL) string containing an identified transport mechanism for transmitting said information and also a destination for said information, as disclosed by **Joseph**, into the teachings of **Eggleston** to allow a client via the browser uniquely identifying a desired resource by URL *(for example, "http://Server A/File Store/File")*, which indicates a destination server on which the resource is located, the filename, i.e., the location of the resource and the appropriate protocol (i.e., "http") to be used in retrieving the desired resource **(Joseph, col. 1, line 62 – col. 2, line 8)**.

(**C**)   Applicant argued on pages 10-11 of the Remarks as *"Schwartz does not teach said file having a data file and a data type, said data type unidentifiable to said device external to said electronic device"* **(recited from pages 10-11 of the Remarks)**.

As to point (**C**), Examiner respectfully disagrees noting that **Schwartz** teaches transmission of a smaller data file is important in wireless data networks that are characterized with low bandwidth and expensive airtime **(Schwartz, col. 9, lines 59-61)**. In other words, the actual data being exchanged between link server *(i.e., between an external host device)* and mobile device is in Screen Description Data (SDD) format, which is typically binary and can be communicated more compactly and efficiently in wireless network. Further SDD files can be directly rendered by an interface engine in mobile device without further processing *(i.e., SDD files having a data file and a data type, wherein SDD format is unidentifiable to said device external to said handheld device).* In addition, **Schwartz** also teaches according to another embodiment, a markup language file in HDML, compact HTML or XML is received at the message processor and converted into a corresponding binary file that is much smaller in size and may be in Imp, cHDML, cHTML, or cXML, wherein "c" means stripped, compressed, compiled or converted version of the corresponding markup files *(i.e., Imp, cHDML, cHTML, and/or cXML files having a data file and a data type, said data type unidentifiable to said device external to said handheld device)* **(Schwartz, col. 10, lines 3-17)**.

Hence, **Schwartz** does teach or disclose *"said file having a data file and a data type, said data type unidentifiable to said device external to said electronic device"*, as recited in the claimed invention.

Also, Examiner respectfully submits that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

15. Applicant's arguments as well as request for reconsideration filed on 08/27/2008 have been fully considered but they are not deemed to be persuasive.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Quang N. Nguyen whose telephone number is (571)

272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the

organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the

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/Quang N. Nguyen/
Examiner, Art Unit 2441